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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO MENDOZA RAMOS,
LEOPOLDO GONZALEZ, JR.,
VICTOR MANUEL VELAZQUEZ,
ERASMO ZARATE SOLORZANO,
ESTELA ACEVEDO,
CARLOS CANO MANZO,
DIANA CERVANTES,
JOSE GENARO VARGAS-RAMIREZ,
ALMA ADRIANA MORA MADRIGAL,
ALEJANDRO MORA MADRIGAL,
FERNANDO CARDENAS, AND
HUMBERTO PIMENTEL CARANZA,

Defendants.

CASE NO. 21-CR-109-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

CURRENT DATE: March 14, 2023
PROPOSED DATE: June 20, 2023
COURT: Hon. Dale A. Drozd

STIPULATION

1. By previous order, this matter was set for status on March 14, 2023.
2. By this stipulation, defendants¹ now move to continue the status conference until June 20, 2023, and to exclude time between March 14, 2023, and June 20, 2023, pursuant to 18 U.S.C. §

¹ Given the pending Motion to Withdraw as Counsel (Dkt. 168), defendant ALMA MORA MADRIGAL's attorney has not joined in this stipulation.

1 3161(h)(7)(A), B(ii), (iv) [Local Codes T2 and T4].

2 3. The parties agree and stipulate, and request that the Court find the following:

3 a) The government has produced over 100,000 pages of discovery and voluminous
4 audio and audio/video discovery, including interceptions over multiple wiretapped telephones as
5 well as recordings of controlled purchases of narcotics. Many of the recordings are in Spanish.

6 b) On February 12, 2023, counsel for defendant VICTOR MANUEL VELAZQUEZ
7 was substituted by attorney Timothy Zindel as counsel of record. This new attorney has been
8 provided with the voluminous discovery in this case and will need substantial time to review that
9 discovery, review the current charges, conduct investigations and research related to the charges,
10 discuss potential resolutions, prepare pretrial motions, and otherwise prepare for trial.

11 c) Moreover, in light of this voluminous discovery, counsel for the remaining
12 defendants likewise desire additional time consult with their clients, review the current charges,
13 conduct investigations and research related to the charges, review discovery, discuss potential
14 resolutions, prepare pretrial motions, and otherwise prepare for trial.

15 d) Additionally, given the voluminous discovery and the fact that this case involved
16 a multi-line wiretap investigation, it is so complex that it is unreasonable to expect adequate
17 preparation for pretrial proceedings or for the trial itself prior to June 20, 2023.

18 e) Counsel for defendants believe that failure to grant the above-requested
19 continuance would deny them the reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence.

21 f) No defendant has invoked his/her speedy trial rights since the inception of the
22 case.

23 g) The government does not object to the continuance.

24 h) Based on the above-stated findings, the ends of justice served by continuing the
25 case as requested outweigh the interest of the public and the defendant in a trial within the
26 original date prescribed by the Speedy Trial Act.

27 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
28 et seq., within which trial must commence, the time period of March 14, 2023 to June 20, 2023,

inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local Codes T2 and T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.²

IT IS SO STIPULATED.

Dated: March 6, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ANGELA L. SCOTT
ANGELA L. SCOTT
Assistant United States Attorney

² Regarding defendant ALMA ADRIANA MORA MADRIGAL, the government notes that for purposes of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of March 14, 2023, and June 20, 2023, inclusive, is excludable pursuant to 18 U.S.C. § 3161(h)(3) because ALMA MORA MADRIGAL's whereabouts are unknown and her whereabouts cannot be determined by due diligence. On June 9, 2021, defendant ALMA MORA MADRIGAL was ordered to remain on Pretrial Release conditions previously ordered in the Central District of California. Dkt. 13. On December 21, 2021, the Honorable Jeremy D. Peterson signed a Pretrial Release Violation Petition and issued a bench warrant for ALMA MORA MADRIGAL. The Petition alleged that "...[a]ll efforts to locate the defendant have been unsuccessful and the defendant's current whereabouts is unknown."

Undersigned government counsel has confirmed with the United States Marshals Service that the bench warrant for defendant ALMA MORA MADRIGAL is still active and that the USMS conducts periodic inquiries regarding the subjects of all active warrants. Undersigned government counsel has also confirmed with the Federal Bureau of Investigation that they have made recent database inquiries regarding defendant ALMA MORA MADRIGAL, but are unable to locate her. Finally, as noted in her counsel's Motion to Withdraw as Counsel filed on February 24, 2023, defendant ALMA MORA MADRIGAL's attorney has made repeated and recent attempts to contact her to no avail. Dkt. 168.

Additionally, pursuant to 18 U.S.C. § 3161(h)(6), the time period of March 14, 2023 and June 20, 2023, inclusive, constitutes a reasonable period of delay for defendant ALMA MORA MADRIGAL, who is joined for trial with the co-defendants in the above-captioned case, and as to whom the time for trial has not run and no motion for severance has been granted.

1 Dated: March 6, 2023

/s/ RYAN ROTH per email
authorization

2 RYAN ROTH
3 Counsel for Defendant
4 LEOPOLDO GONZALEZ, JR.

5 Dated: March 6, 2023

/s/ TIMOTHY ZINDEL per
email authorization

6 TIMOTHY ZINDEL
7 Counsel for Defendant
8 VICTOR MANUEL
9 VELAZQUEZ

10 Dated: March 6, 2023

/s/ ETAN ZAITSU per email
authorization

11 ETAN ZAITSU
12 Counsel for Defendant
13 ERASMO ZARATE
14 SOLORZANO

15 Dated: March 6, 2023

/s/ CLEMENTE M. JIMENEZ
per email authorization

16 CLEMENTE M. JIMENEZ
17 Counsel for Defendant
18 ESTELA ACEVEDO

19 Dated: March 6, 2023

/s/ JENNIFER MOUZIS per
email authorization

20 JENNIFER MOUZIS
21 Counsel for Defendant
22 DIANA CERVANTES

23 Dated: March 6, 2023

/s/ DINA LEE SANTOS per
email authorization

24 DINA LEE SANTOS
25 Counsel for Defendant
26 JOSE GENARO VARGAS-
27 RAMIREZ
28

1 Dated: March 6, 2023

/s/ JESSE GARCIA per email
authorization

JESSE GARCIA
Counsel for Defendant
HUMBERTO PIMENTEL
CARANZA

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6 Dated: March 6, 2023

/s/ TASHA CHALFANT per
email authorization

TASHA CHALFANT
Counsel for Defendant
FERNANDO CARDENAS

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11 **ORDER**

12 Pursuant to the stipulation of the parties, the status conference previously scheduled for March
13 14, 2023, is vacated and continued to June 20, 2023, at 9:30 a.m. and time is excluded between March
14 14, 2023, and June 20, 2023, pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local Codes T2 and T4].
15 The court notes that defendant Alma Mora Madrigal is currently a fugitive with a bench warrant for her
16 arrest outstanding and that time is excluded as to her pursuant to 18 U.S.C. § 3161(h)(3)(A)(B), Local
17 Code M, and 18 U.S.C. § 3161(h)(6), Local Code R.

18 IT IS SO ORDERED.

19 Dated: March 7, 2023


UNITED STATES DISTRICT JUDGE